

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE**

Dana Albrecht,

Plaintiff

v.

Hon. John Pendleton, et al.,

Defendants.

Civil No. 1:25-cv-00093-SM-AJ

**MOTION FOR PERMISSIVE JOINDER PURSUANT TO
Fed. R. Civ. P. 20(a)(1)**

NOW COMES Movant **Destinie L. Berard**, *pro se*, and respectfully requests for this Court to permit her joinder as co-plaintiff in the above captioned matter pursuant to Fed. R. Civ. P. 20(a)(1). In support thereof Movant states the following:

I. Introduction

1. Movant's claims arise out of the same series of events as those alleged by Plaintiff Dana Albrecht and involve multiple common questions of law and fact.
2. Plaintiff Dana Albrecht assents to this Motion and supports the proposed joinder.

II. Factual Basis for Joinder

3. Movant's claims stem from the same series of events and pattern of conduct as those described in Plaintiff Dana Albrecht's operative Complaint. Specifically, both Movant and Plaintiff allege constitutional violations by the same individual defendants, acting under color of law, including but not limited to:

- Judicial misconduct and systemic bias in adjudicating protective order proceedings under N.H. Rev. Stat. § 173-B;
 - Retaliatory and selective enforcement of civil protective orders in violation of the First, Fifth, and Fourteenth Amendments;
 - Structural and procedural deficiencies in the New Hampshire judicial system that caused or contributed to the denial of constitutional rights.
 - Incarceration in preventative detention for three days without any access to counsel as a direct injury-in-fact consequence of the alleged as-applied unconstitutionality of N.H. Rev. Stat. § 173-B:9.
4. Both Movant and Plaintiff were directly affected by the conduct of the same public officials, acting in their official capacities, during overlapping time periods and judicial proceedings.
 5. To the extent there are any differences in the underlying factual bases for relief, Movant has incurred little or no out-of-pocket legal expenses, whereas Plaintiff has expended significant personal funds (e.g., for transcript preparation, service fees, and other costs) in connection with Movant's defense.
 6. Accordingly, although Movant has not suffered financial harm, she has nonetheless suffered all other relevant constitutional injuries described above.

III. Legal Standard for Permissive Joinder

7. Fed. R. Civ. P. 20(a)(1) provides that:

“Persons may join in one action as plaintiffs if: (A) they assert any right to relief jointly, severally, or in the alternative with respect to or arising out of the same transaction, occurrence, or series of transactions or occurrences; and

(B) any question of law or fact common to all plaintiffs will arise in the action.”

8. Both prongs of Rule 20(a)(1) are satisfied here. Movant and Plaintiff seek relief arising from the same pattern of retaliatory and unconstitutional

conduct by government officials. The claims share substantial legal and factual overlap, including the constitutionality of New Hampshire's protective order enforcement regime and the actions of the named defendants. See, e.g., *Mosley v. General Motors Corporation*, 497 F. 2d 1330 (8th Cir. 1974).

Interest of the Movant

9. Movant's constitutional rights were infringed by the same actors and legal mechanisms as those challenged by Plaintiff. Her interest in the case is substantial, and her participation would allow for coordinated presentation of overlapping legal and factual issues.
10. Movant does not seek to displace or alter Plaintiff's claims, but instead to pursue parallel relief for her own injuries through aligned litigation. Proceeding separately would result in unnecessary duplication of evidence, witnesses, and judicial resources.

Judicial Economy and Lack of Prejudice

11. Permitting joinder at this stage will:
 - Prevent duplicative litigation;
 - Conserve judicial and party resources;
 - Promote consistent adjudication of common legal and factual issues;
 - Cause no undue delay or prejudice to any existing party.
12. Plaintiff assents to joinder, and no defendant has filed a responsive pleading as of the date of this filing.

WHEREFORE, Movant respectfully requests that this Court:

- A) Grant leave for Destinie L. Berard to join as a co-plaintiff in this action under Fed. R. Civ. P. 20(a)(1); and,
- B) Permit the filing of an amended or supplemental complaint setting forth Movant's claims, either jointly or separately, consistent with existing pleadings; and,
- C) Grant such other and further relief as the Court deems just and proper.

Respectfully submitted,



DESTINIE BERARD

Pro Se

46 Pond St.

Georgetown, MA 01833

dlb12179@gmail.com

April 16, 2025

CERTIFICATE OF SERVICE

I, Destinie L. Berard, hereby respectfully request that the Clerk serve a copy of this Motion on all parties of record via the CM/ECF system.

I further certify that I have sent a copy of this Motion via first-class mail, postage-prepaid, to the following recipients:

- Dana Albrecht
- Samuel R.V. Garland, Esq.
- Eric Alexander Maher, Esq.
- Linda M. Smith, Esq.
- Liam D. Scully, Esq.



DESTINIE BERARD

April 16, 2025.

CERTIFICATE OF ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

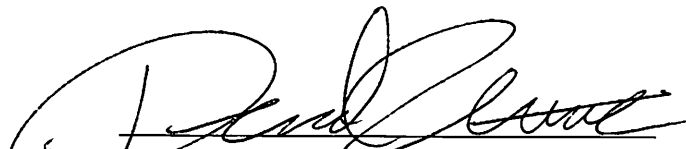
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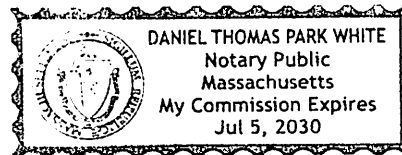
COUNTY OF Essex

On 16th of April 2025, before me, Destinie L Berard, a Notary Public under the laws of the Commonwealth of Massachusetts personally appeared **Destinie L. Berard**, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that each executed the same in their authorized capacity, and that by her signature on the instrument is the person who executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the Commonwealth of Massachusetts that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.
(SEAL)


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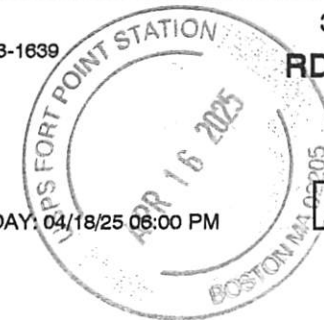
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